

FILED

AUG 17 2006

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

v.

**SEBASTIAN K. SMITH, JR. and
COURTNEY D. FLOWERS**

CR. NO. 2:06CR205-WHA

[18 U.S.C. § 371

18 U.S.C. § 924(l)]

INDICTMENT

The Grand Jury charges:

INTRODUCTION

1. On or about April 10, 2006, defendants **SEBASTIAN K. SMITH** and **COURTNEY D. FLOWERS** traveled to the Mulberry Gun and Pawn Inc. ("Mulberry"). The Mulberry is a Federal Firearms Licensee located at 1709 Mulberry Street in Montgomery, Alabama within the Middle District of Alabama.

2. The owner of the Mulberry is A.D., who also is the registered owner of a Kahr Arms, model KP45, .45 caliber semi-automatic handgun. On or about April 10, 2006, A.D. had placed this handgun near the register at the Mulberry for his protection.

COUNT 1 – CONSPIRACY

THE CONSPIRACY AND ITS OBJECTS

3. On or about April 10, 2006, in the Middle District of Alabama, and elsewhere, the defendants,

**SEBASTIAN K. SMITH and
COURTNEY D. FLOWERS,**

did combine, conspire, confederate, and agree among themselves and each other, and other persons both known and unknown to the Grand Jury, to steal a firearm—more specifically, a Kahr Arms, model KP45, .45 caliber semi-automatic handgun, a better description of which is unknown to the Grand Jury—which has moved in interstate commerce, contrary to Title 18, United States Code, Section 924(l).

MANNER AND MEANS OF THE CONSPIRACY

4. It was part of the conspiracy that Smith and Flowers agreed to steal A.D.'s handgun, which neither was entitled to.

OVERT ACTS

5. In order to effect the object of the conspiracy, Smith did a number of overt acts, including: (a) stealing A.D.'s handgun and (b) giving A.D.'s handgun to Flowers.

6. In order to effect the object of the conspiracy, Flowers did a number of overt acts, including: (a) taking A.D.'s handgun from Smith after Smith stole it, (b) exiting the Mulberry, (c) and hiding A.D.'s handgun in a car outside the Mulberry.

All in violation of Title 18, United States Code, Section 371.

COUNT 2 – THEFT OF A HANDGUN

7. The allegations set forth in paragraphs 1 through 6 of Count 1 of this Indictment are hereby realleged as if set forth herein.

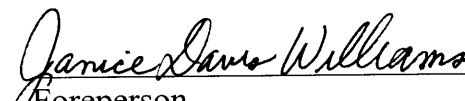
8. On or about April 10, 2006, in the Middle District of Alabama, and elsewhere, the defendants


**SEBASTIAN K. SMITH and
COURTNEY D. FLOWERS,**

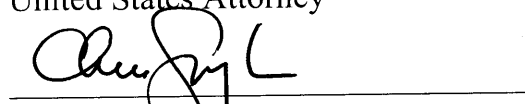
did, while aiding and abetting and while being aided and abetted by each other and other persons both known and unknown to the Grand Jury, did steal a firearm—more specifically, a Kahr Arms, model KP45, .45 caliber semi-automatic handgun, a better description of which is unknown to the Grand Jury—which has moved in interstate commerce.

All in violation of Title 18, United States Code, Section 924(l) and 2.

A TRUE BILL:


Foreperson


LEURA G. CANARY
United States Attorney


CHRISTOPHER A. SNYDER
Assistant United States Attorney